

# STATE OF NEW YORK

4518

2021-2022 Regular Sessions

## IN SENATE

February 5, 2021

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to inmate telephone services at local correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 623-a  
2 to read as follows:

3 § 623-a. Inmate telephone services at local correctional facilities.  
4 1. Telephone services contracts for inmates in local correctional facil-  
5 ities shall be subject to the procurement provisions as set forth in  
6 article five-A of the general municipal law provided, however, that when  
7 determining the best value of such telephone service, the lowest quali-  
8 fied bidder in accordance with the safety requirements of the local  
9 correctional facility shall be emphasized.

10 2. The sheriff of such local correctional facility shall make avail-  
11 able either a prepaid or collect call system, or a combination thereof,  
12 for telephone service. Under the prepaid system, funds may be deposited  
13 into an account in order to pay for station-to-station calls, provided  
14 that nothing in this subdivision shall require the sheriff to provide or  
15 administer a prepaid system. Under a collect call system, call recipi-  
16 ents shall be billed for the cost of an accepted telephone call initi-  
17 ated by an inmate. Under such collect call system, the provider of  
18 inmate telephone service, as an additional means of payment, shall  
19 permit the recipient of inmate calls to establish an account with such  
20 provider in order to deposit funds to pay for such collect calls in  
21 advance.

22 3. The commission, in consultation with local correctional facilities,  
23 shall establish rules and regulations or procedures to ensure that any  
24 inmate phone call system established by this section provides reasonable

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 security measures to preserve the safety and security of each correc-  
2 tional facility, all staff and all persons outside a facility who may  
3 receive inmate phone calls.

4 4. Pursuant to rules and regulations established by the department and  
5 the commission, a local correctional facility may request to participate  
6 in a contract procured by the department pursuant to subdivision one of  
7 section six hundred twenty-three of this article. A copy of such request  
8 shall be provided to the commission. The cost and administration of  
9 telephone services secured pursuant to this subdivision shall be borne  
10 by the local correctional facility.

11 § 2. Section 623 of the correction law is amended by adding a new  
12 subdivision 5 to read as follows:

13 5. Upon application by a local correctional facility pursuant to  
14 subdivision eighteen of section forty-five of this chapter, the depart-  
15 ment may include such local correctional facility under a contract it  
16 procures to receive inmate telephone services pursuant to subdivision  
17 one of this section provided that such inclusion has no fiscal impact  
18 on, or requires continuing administration by, the department.

19 § 3. Section 45 of the correction law is amended by adding a new  
20 subdivision 18 to read as follows:

21 18. Promulgate rules and regulations, in consultation with the depart-  
22 ment, for inmate telephone services provided in local correctional  
23 facilities and to assure that such telephone services contracts are  
24 subject to the procurement provisions as set forth in article five-A of  
25 the general municipal law and that when determining the best value of  
26 such telephone service, the lowest possible cost to the telephone user  
27 shall be emphasized. Such rules and regulations shall also provide for  
28 application by a local correctional facility to participate in the  
29 following inmate telephone services contract that shall be secured by  
30 the department for state correctional facilities provided that the cost  
31 and administration of the services applied for shall be borne by the  
32 local correctional facility.

33 § 4. This act shall take effect April 1, 2022 and shall apply to  
34 contracts for inmate telephone services issued, renewed, modified,  
35 altered or amended on or after such effective date and any new or  
36 renewal contract for inmate telephone services entered into prior to  
37 April 1, 2021 shall not run past March 31, 2022.